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The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte MICHAEL PASCAZI

Appeal 2010-006231
Application 09/902,466
Technology Center 2600

Before ROBERT E. NAPPI, KALYAN K. DESHPANDE and
BRYAN F. MOORE, *Administrative Patent Judges*.

NAPPI, *Administrative Patent Judge*

DECISION ON REQUEST FOR REHEARING

BACKGROUND

Appellant has filed a paper under 37 C.F.R. § 41.52 requesting that we reconsider our decision of September 7, 2012 where we affirmed the rejections of claims 1 through 3 and 5 through 17 under 35 U.S.C. §103. We reconsider our decision in light of Appellant's Request for Rehearing, but we decline to change the decision.

Appellant contends that we misapprehended the arguments presented in the Briefs, in that Appellant was not arguing that there is no teaching of voice communication in Heinonen; rather, Appellant contends that the argument in the Brief was that there is no discussion of an echo canceller/equalizer module. Further, Appellant argues that Klindworth does not make up for the deficiency as it only teaches cell tower echo cancellation and not internet protocol maintaining an echo cancelation module as claimed. Request for Rehearing 2 and 6.

We are not persuaded that this is an overlooked aspect of our decision, as the assertions in the request for rehearing present a new argument that was not presented in the Briefs. Appellant's discussion of Kindworth's disclosure on page 13 of the Appeal Brief,¹ relates to curing time delays and asserts that these time delays would be inconsequential in Heinonen's transmission of profile information. Appellant's Reply Brief does not discuss the teachings of the Kindworth reference. There is no discussion in the Briefs directed to Klindworth not teaching internet protocol maintaining

¹ Throughout this decision we refer to the Appeal Brief dated December 21, 2009, and the Reply Brief dated April 13, 2010.

an echo cancelation module as is now argued in the Request for Reconsideration. Further, Appellant has not identified any good cause as to why this argument was not presented earlier, as such this argument is not permitted under 37 C.F.R. § 41.52. Accordingly we will not consider this new argument and Appellant has not persuaded us we misapprehended an argument in the December 21, 2009 Appeal Brief or the April 13, 2010 Reply Brief.

CONCLUSION

For the aforementioned reasons, Appellant's contentions have not persuaded us of error in our September 7, 2012 decision.

Accordingly, while we have granted Appellant's Request for Rehearing to the extent that we have reconsidered our decision, that request is denied with respect to making any changes therein.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a)(1)(iv).

REHEARING DENIED

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